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ALTERNATIVE WORK SCHEDULES

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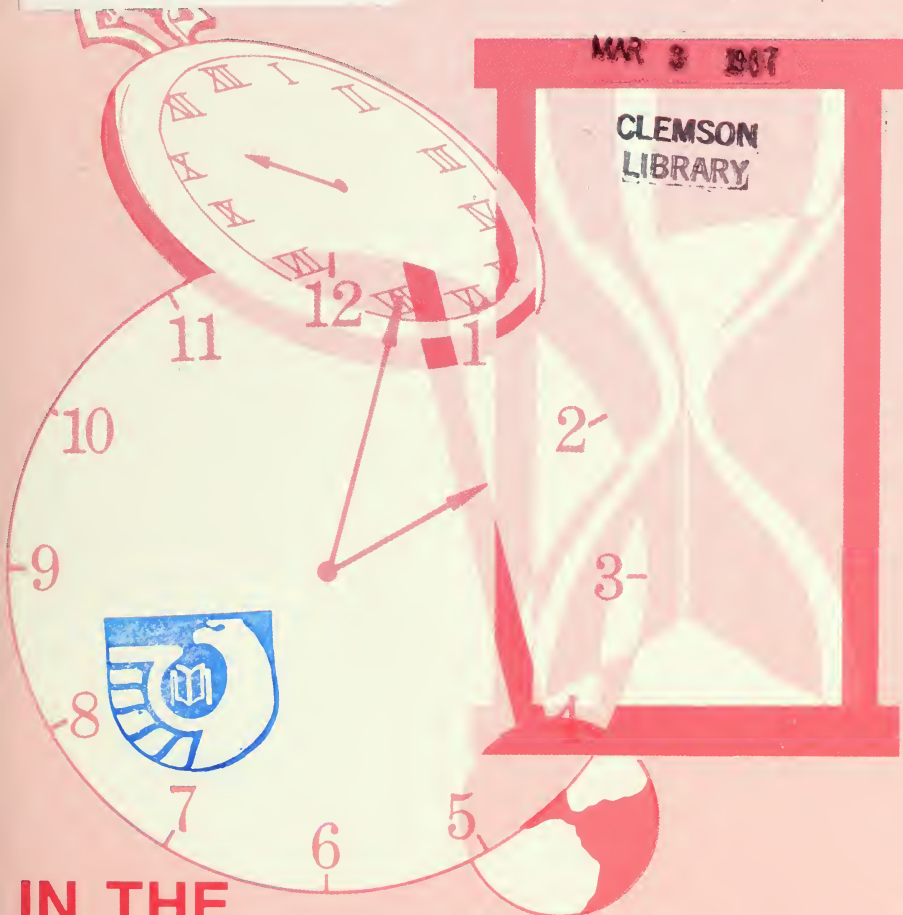


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IN THE NATIONAL PARK SERVICE



a handbook for supervisors



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ALTERNATIVE WORK SCHEDULES IN THE NATIONAL PARK SERVICE

. a handbook for supervisors

Branch of Labor and Employee Relations
Personnel Division
National Park Service
Washington, D.C.

CONTENTS

	<u>Page</u>
Introduction	1
AWS Statute	1
Alternative Work Schedule Plans	1
Types of Work Schedules	2
Ten-Hour Schedule	2
Five-Four-Nine Schedule	2
Alternative Eight-Hour Schedule	3
Flexible Eight-Hour Schedule	4
Flexible/Compressed Schedule	4
Time Accounting	5
Time and Attendance Reports	5
Lunch Periods	6
Premium Pay	6
Credit Hours	7
Holidays	8
Lieu Days	9
Part-Time Employees	9
Supervisor's Responsibilities	10
Employee's Responsibilities	11
Administrative Workweek/Business Hours	11
Labor Relations Aspects	11
Sample Schedules	14
Questions and Answers	17

INTRODUCTION

On October 12, 1984, the Director of the National Park Service signed a memorandum addressed to all NPS management officials which extended his support for the implementation of alternative work schedules, whenever and wherever appropriate, throughout the National Park Service (NPS). Alternative work schedules (AWS) are currently in place in various forms at both Field and Headquarters offices. The purpose of this issuance is to provide additional information regarding alternative work schedules and to bring some order and consistency throughout the Service concerning the types of AWS plans which are considered appropriate. This issuance is not intended to force plans on organizations where AWS would be clearly inappropriate, nor is it intended to dictate the type of AWS plan that should be adopted by any particular organization. Nonetheless, it is the policy of the National Park Service to implement plans whenever and wherever appropriate. Existing AWS plans which are inconsistent with the statute or the policies in this handbook must be brought into compliance.

THE AWS STATUTE

The Federal Employees Flexible and Compressed Work Schedules Act became law when it was signed by the President on July 23, 1982. The Act continued without interruption the existing alternative work schedules which were established as experiments in various Federal agencies at that time. The Act also extended the opportunity to establish AWS plans throughout the Federal government whether or not the organizations had participated in the original experiments. AWS plans were no longer considered to be experiments but became personnel policy. Although the 1982 legislation expired at the end of 1985 through a sunset provision, Public Law 99-196, signed by the President on December 23, 1985, provided permanent authority for flexible and compressed work schedules.

ALTERNATIVE WORK SCHEDULE PLANS

An alternative work schedule plan is a written description, or statement of policy, concerning the types of alternative schedules which are considered appropriate for the particular organization covered by the plan. The plan may be part of a collective bargaining agreement (if it covers bargaining unit employees), or it may be a separate document or policy statement. A written alternative work schedule plan must be completed and approved before any alternative work schedules may be implemented within an NPS organization (Region, Center, Park, Site, etc.). Organizations which currently allow alterna-

tive schedules, but do not have a written plan, should prepare an AWS plan and bring all current schedules into compliance with it. Regional Directors and Service Center Managers are delegated authority to approve all plans within their respective organizations. All approved plans must be in full compliance with law, rule, regulation and NPS policy contained in this handbook and related issuances. The Branch of Labor and Employee Relations may be contacted for advice and assistance in the development of AWS plans.

TYPES OF WORK SCHEDULES

Ten-Hour Schedule (Compressed)

This is a fixed, nonflexible schedule, which means that it does not vary from day to day. The arrival and departure times are according to a set, written schedule requested by the employee and approved by the supervisor in advance. The schedule includes eight (8) workdays in each pay period. Each workday is ten (10) hours in length excluding any scheduled lunch period. A lunch period must be scheduled mid-day, or mid-shift, and be at least thirty (30) minutes in length. The scheduled lunch period may be as long as two (2) hours, provided the schedule still includes ten (10) hours of actual work time, excluding the lunch period. Once the schedule is requested and approved, the length of the lunch period is fixed and may not vary from day to day. The pay period will also include six (6) nonworkdays. A ten-hour schedule may not include any combination of half-days or workdays of less than ten hours.

Five-Four-Nine Schedule (Compressed)

This is a fixed, nonflexible schedule, which means that it does not vary from day to day. The arrival and departure times are according to a set schedule requested by the employee and approved by the supervisor in advance. The schedule includes nine (9) workdays in each pay period. Eight (8) of the workdays are nine (9) hours in length and one (1) workday is eight (8) hours long. A lunch period must be scheduled mid-day, or mid-shift, and be at least thirty (30) minutes in length. The scheduled lunch period may be as long as two (2) hours, provided the schedule still includes nine (9) hours of actual work time on eight (8) days and eight (8) hours on one day, excluding the lunch period. Once the schedule has been approved, the length of the lunch period is fixed and must be the same length each workday. The pay period will also include five (5)

nonworkdays. A 5/4/9 schedule may not include any combination of half-days or workdays of less than eight hours.



Alternative Eight-Hour Schedule

This is a fixed schedule which does not vary from day to day. The arrival and departure times are according to a set, written schedule requested by the employee and approved by the supervisor in advance. The schedule includes ten (10) workdays in each pay period. Each workday is eight (8) hours in length excluding the scheduled lunch period. A lunch period must be scheduled mid-day, or mid-shift, and be at least thirty (30) minutes in length. The scheduled lunch period may be as long as two (2) hours, provided the schedule still includes eight (8) hours of actual work time, excluding the lunch period. Once the schedule is approved, the length of the lunch period is fixed and must be the same length each workday. The pay period will also include four (4) nonworkdays.

This schedule (sometimes referred to as a “Flexitour”) differs from the normal eight-hour schedule in that the scheduled arrival and departure times need not coincide with the traditional eight-hour schedule and the employee may schedule a lunch period longer than the minimum thirty-minute lunch period. This schedule, subject to supervisory approval, may consist of any combination of ten workdays in a pay period.

Flexible Eight-Hour Schedule (Flexitime)

This is a flexible schedule which includes an eight-hour day, forty-hour week, and eighty-hour pay period. The employees’ arrival and departure times may vary from day to day within a flexible ban at the beginning and end of each day. Each day will include set core hours during which all employees scheduled to work that day must be on the job. A lunch period must be taken mid-day, or mid-shift, and be at least thirty (30) minutes in length. The lunch period may be as long as two (2) hours and may vary in length from day to day, provided the daily schedule (sometimes referred to as a “Gliding Schedule”) totals eight (8) hours of work time excluding the lunch period.

Flexible/Compressed Schedule (Maxi-Flex)

This is a schedule which includes a minimum of eighty (80) hours of work time within each pay period. The arrival and departure times may vary from day to day within a flexible ban at the beginning and ending of each day. Each day will contain set core hours during which all employees scheduled to work that day must be on the job. A lunch period must be scheduled mid-day, or mid-shift, and be at least thirty (30) minutes in length. The scheduled lunch period may be as long as two (2) hours and may vary in length from day to day, provided the schedule totals eighty (80) hours in the pay period. Employees who fail to complete eighty (80) hours of work time in a pay period must use (subject to supervisory approval) either annual leave, sick leave (for periods of incapacitation due to illness or medical/dental appointments), accrued credit hours, accrued compensatory time or leave without pay to complete the eighty (80) hour requirement of each pay period. Forms of these schedules are sometimes referred to as “variable day” or “variable week” schedules.

With the approval of his or her supervisor, an employee may work in excess of eighty (80) hours in a pay period and accrue credit hours. Credit hours may be carried over to the next pay period and may be used in the same manner as annual leave. A full-time employee may carry over no more than twenty-four (24) credit hours

from one pay period to the next. Credit hours accrued should be used in the same manner as annual leave, when approved by the employee's supervisor. A part-time employee may accumulate and carry over no more than one-fourth of the hours in his or her biweekly basic work requirement.

TIME ACCOUNTING

Because employees working alternative schedules will arrive and depart at varying times, it is important that a system exist within each organization to provide accountability for hours worked and to ensure the credibility of the program from the perspective of employees, management, and the public. Activities are responsible for determining the most appropriate time accounting system for their particular organization

One recommended procedure is seriatim or sequential, sign-in/sign-out logs. With these logs, each employee records his or her time of arrival and, separately, time of departure in order, one following the other. This procedure is a simple, inexpensive method of assuring accountability for those employees who work under alternative schedules. In most instances, mechanical time recording devices are not recommended. Nonetheless, mechanical time recording devices are authorized for all flexible or compressed schedule plans outside the District of Columbia and for all flexible schedule plans within the District of Columbia.

Supervisors may require those employees on flexible schedules to sign-out and sign-in for their lunch periods in addition to the regular sign-in/sign-out procedure at the beginning and end of the workday. Under flexible schedules the employee's lunch period may vary from day to day and may be of any length from a minimum of thirty-minutes to a maximum of two hours. In order to assure accurate time accounting as required by the statute, this additional use of the sign-in/sign-out procedure may be necessary. Sign-in/sign-out procedures, at the beginning and end of the workday, are strongly recommended for employees on any type of alternative work schedule and required for employees on flexible schedules.

TIME AND ATTENDANCE REPORTS

Regardless of which type of schedule an employee may be working, it is very important that T&A Reports accurately report the actual hours worked on each day of the pay period. Not only should the hours total eighty (80) each pay period for a full-time employee, it is also very important that the hours reported for each day are those

actually worked. It is the supervisor's responsibility when certifying (signing) each T&A Report to verify that the hours reported are absolutely correct. Supervisors may not delegate that responsibility to their time and attendance clerk, and supervisors may not allow employees to maintain their own time and attendance records.

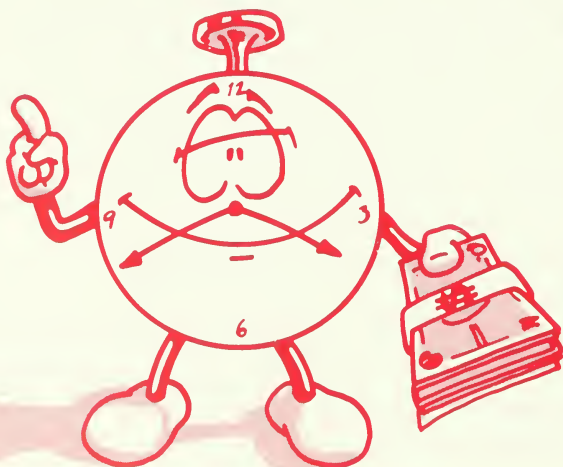
Time and attendance clerks may assist a supervisor in maintaining the records, but the supervisor, and only the supervisor, is accountable for the accuracy of the reports certified with his/her signature. Supervisors who have questions concerning time and attendance reporting requirements should consult the PAY/PERS System Manual, Time and Attendance Instructions, Volume 8, and/or contact the Consolidated Payroll Office.

LUNCH PERIODS

Employees must schedule and take a minimum thirty-minute lunch period at mid-day, or approximately mid-way through their daily schedule. The lunch period may not be taken at the beginning or end of the daily schedule. The purpose of a lunch period is to give employees an opportunity to eat or rest in the middle of their tours of duty so that they can perform their duties effectively throughout the day. The lunch period may be waived only for employees working less than a full shift (six hours or less).

PREMIUM PAY

Premium pay shall be paid in the same manner as paid to an employee working under existing schedules, except that overtime

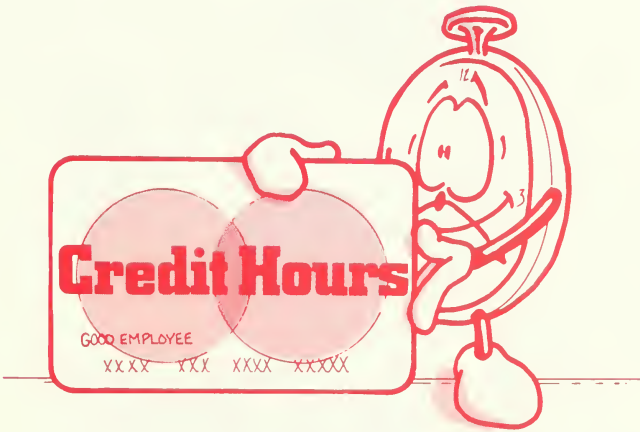


pay and compensatory time shall be earned only for work assigned and worked (or permitted for FLSA nonexempt employees) outside the employee's approved alternative schedule (daily work requirement) or in excess of eighty (80) hours in a biweekly pay period. It is important that supervisors and time and attendance clerks recognize the significant distinction between credit hours and compensatory time. Employees on compressed schedules are entitled to Sunday premium pay or holiday premium pay for the number of hours they are scheduled to work on a Sunday or holiday. An employee on a ten-hour schedule who works on a holiday is entitled to ten hours of holiday premium pay. An employee on a 5/4/9 schedule who works nine hours on a holiday is entitled to nine hours of holiday premium pay.

Employees on flexible schedules are entitled to eight hours of holiday premium pay if they work eight or more hours on a holiday. Hours worked in excess of the eight hours are compensated at regular overtime premium pay rates and should be worked only if specifically ordered by a supervisor.

CREDIT HOURS

With the approval of his or her supervisor, an employee on a flexible/compressed schedule may work in excess of eighty (80) hours in a pay period and accrue credit hours. Credit hours may be carried over to the next pay period and may be used in the same manner as annual leave. A full-time employee may carry over no more than twenty-four (24) credit hours from one pay period to the next. Credit hours accrued should be recorded on the employee's Time and



Attendance Report and may be used in the same manner as annual leave, when approved by the employee's supervisor. A part-time employee may accumulate and carry over no more than one-fourth of the hours in his or her biweekly basic work requirement.

Credit hours, although earned only with the supervisor's approval, are accumulated on a voluntary basis. An employee may not be ordered to work overtime and be compensated with credit hours. Employees ordered to work overtime are entitled to overtime pay or compensatory time, subject to the provisions of the FLSA and Title 5, U.S.C. Credit hours earned and not used, in excess of the 24-hour carry over limitation, are forfeited without compensation or right to restoration at the end of each pay period. It is Departmental policy that SES employees may not earn or use credit hours.

HOLIDAYS

Employees on alternative schedules observe official holidays in the same manner as other employees, with two exceptions. First, employees on compressed schedules receive the number of hours off on a holiday equivalent to whatever number of hours they are normally scheduled to work on that day. An employee on a ten-hour schedule is credited with ten hours for the holiday. An employee on a 5/4/9 schedule receives credit for either 8 or 9 hours for the holiday, dependent upon the number of hours he/she is normally scheduled to work on that day. A 5/4/9 employee does not automatically receive credit for 9 hours on a holiday. If that employee's



eight-hour day falls on the holiday, he/she receives an eight-hour credit for the holiday. The employee cannot adjust his/her schedule during a holiday pay period in order to receive a nine-hour credit. An employee on a flexible schedule receives an eight-hour credit for the holiday. Second, if a Federal holiday falls on an employee's nonworkday, the employee may be entitled to an alternative day off "in lieu of" the holiday.

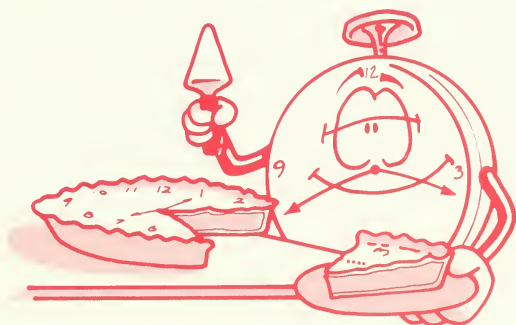
LIEU DAYS

The term "lieu day" as used in Federal regulation refers to a day of approved absence from work granted to an employee instead of, or "in lieu of," a holiday. For example, if a Federal holiday falls on an employee's nonworkday, the employee may be granted another day off "in lieu of" the holiday.

Specific criteria which entitle an employee to "lieu days" are contained in 5 USC 6103 and Executive Order 11582. When an employee has Sunday and Monday as nonworkdays and a holiday falls on either Sunday or Monday, Tuesday is the employee's holiday (lieu day). When the employee has Friday and Saturday as nonworkdays and a holiday falls on either Friday or Saturday, Thursday is the employee's holiday (lieu day). If the employee has three consecutive nonworkdays and a holiday falls on the first or second nonworkday, the last workday immediately preceding the three nonworkdays is the employee's holiday. If the employee has three consecutive nonworkdays and a holiday falls on the third nonworkday, the first workday following the three nonworkdays is the employee's holiday or lieu day.

PART-TIME EMPLOYEES

Part-time employees may participate in any of the forms of alternative work schedules provided they complete their biweekly basic



work requirements in each pay period. This means that a part-time employee on a 32-hour appointment can work more than 32 hours in a week so long as the total scheduled hours for each biweekly pay period do not exceed 64 hours. In addition, a part-time employee with a 32-hour appointment participating in a flexible/compressed plan may accrue and carry over 16 credit hours (one-fourth of the biweekly work requirement).

SUPERVISOR'S RESPONSIBILITIES

It is the responsibility of the supervisor to assure that any approved schedules do not interfere with the mission of the organization which he or she supervises. The supervisor should carefully review each request for an alternative schedule and approve only those schedules which are appropriate to the work situation. If the supervisor approves an employee's request for a schedule and then later determines that the schedule is having an adverse impact on the mission of the organization, the supervisor is required to take immediate action to either cancel or alter the schedule. The supervisor should advise the employee of the reasons for changing or cancelling a schedule and provide the employee with reasonable advance notice of the change or cancellation.

A supervisor may assign any employee to an alternative schedule if the needs of the Service/organization are better served by the change. For example, if an organization currently has three eight-hour shifts which provide coverage 24 hours a day and the supervisor determines that the needs of the organization are better and more efficiently served with only two ten-hour shifts, the supervisor can assign all the employees to ten-hour schedules. The supervisor must, however, allow exceptions for employees with documented hardships. This type of change may also require bargaining with a union over the impact of the change, if the employees involved are in a bargaining unit.

The supervisor may cancel an employee's approved schedule at anytime because of the employee's abuse of the procedures or irresponsibility. The employee may grieve the cancellation or disapproval of his/her alternative schedule through the appropriate negotiated grievance procedure or the Departmental administrative grievance procedure. It is important to remember that an employee in a bargaining unit may never use the Departmental administrative grievance procedure.

EMPLOYEE'S RESPONSIBILITIES

An employee may individually request to be placed on any of the alternative schedules which have been approved for the employee's organization. An employee may only participate in an alternative work schedule plan with the approval of his or her supervisor. An employee's request for approval of an alternative schedule must be in writing and submitted to the employee's immediate supervisor. An employee's participation in alternative work schedules may be cancelled at any time because of the employee's abuse of the procedures or irresponsibility.

ADMINISTRATIVE WORKWEEK/BUSINESS HOURS

It is the responsibility of the Employer to determine the hours during which the activity will be fully staffed and conducting business. Only those alternative schedules which are compatible with the activity's operating hours should be approved. For example, if a site is open to the public 8 a.m. to 6 p.m. daily, the site manager may determine that only schedules with arrival times no earlier than 7:30 a.m. and departure times no later than 6:30 p.m. may be approved. In a Regional Office, the Regional Director may determine that the administrative work week is 8 a.m. to 5 p.m., Monday through Friday, and that approved schedules may not start earlier than 7 a.m., nor end later than 6 p.m. and Saturdays and Sundays may not be scheduled work days.

LABOR RELATIONS ASPECTS

Wherever a union has been certified as the exclusive representative of NPS employees, the establishment, alteration or termination of alternative work schedules is subject to collective bargaining between the NPS and the exclusive representative (union). The AWS Statute specifically requires that employees in a bargaining unit may be included in an AWS program only to the extent expressly provided for in a collective bargaining agreement.

If management proposes to establish a new AWS plan, or change an existing AWS plan, the new plan must be submitted to the union while in draft for comment. If the union proposes changes, management must meet with the union and negotiate the plan. Management may terminate an existing AWS plan without the union's concurrence, only if management can document that the AWS plan has had an adverse impact on government operations and if that documentation has been accepted by the Federal Service Impasses Panel. In order to prove adverse impact, management must show

that the plan has: (1) reduced productivity, (2) reduced the level of services provided to the public, or (3) increased the costs of the agency's operations, except for normal administrative costs.



If management proposes to terminate an existing AWS plan, the union must be advised of the reasons for the proposed termination. If the union does not accept the reasons for the termination, the AWS plan may not be terminated until the Federal Service Impasses Panel issues a final decision which supports the agency's determination that adverse impact would result from the AWS plan. If the union accepts the reasons for the termination, the plan may be terminated. However, even if the reasons are acceptable to the union, the union may propose to negotiate over the impact of the termination of the plan on bargaining unit employees. These negotiations must also be completed prior to the actual termination.

Management may propose to establish an AWS plan, change an existing plan, or terminate a plan at anytime. The union may only propose a new plan, changes to an existing plan or termination of an existing plan during the negotiation or renegotiation of the union's basic agreement, unless the union agreement specifically provides for mid-term bargaining of AWS. Whenever management considers establishing, changing or terminating an AWS plan which covers employees in a union bargaining unit, the appropriate regional or

headquarters labor relations staff must be consulted prior to taking any action. While determinations as to AWS plans and procedures are subject to collective bargaining, decisions on individual employee requests for particular schedules are made by supervisors based upon organizational needs and work requirements.



SAMPLE SCHEDULES

Ten-Hour Schedules—

(1 hour lunch daily)

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1st Week	7-6	7-6	Off	7-6	7-6	Off	7-6
2nd Week	Off	7-6	7-6	7-6	Off	Off	Off

(45 min. lunch daily)

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1st Week	Off	7:15-6	7:15-6	7:15-6	Off	7:15-6	7:15-6
2nd Week	7:15-6	7:15-6	7:15-6	Off	Off	Off	Off

Five-Four-Nine Schedules—

(1 hour lunch daily)

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1st Week	Off	Off	8-6	8-6	8-6	Off	8-6
2nd Week	9-6	8-6	Off	8-6	8-6	8-6	Off

(30 min. lunch daily)

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1st Week	8-5:30	8-5:30	8-5:30	8-5:30	Off	Off	Off
2nd Week	Off	8-5:30	8-5:30	8-5:30	8-4:30	Off	8-5:30

Alternative Eight-Hour Schedules— (1 hour lunch daily)						
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday
1st Week	7-4	7-4	7-4	7-4	Off	Off
2nd Week	Off	7-4	7-4	7-4	7-4	7-4

(45 min. lunch daily)						
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday
1st Week	Off	6:15-3	6:15-3	6:15-3	6:15-3	6:15-3
2nd Week	Off	6:15-3	6:15-3	6:15-3	6:15-3	Off

Flexible Eight-Hour Schedules— (Core Times: 9:30-11:30 and 2-3:30 daily)						
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday
1st Week	Off	9:30-6 (30 min)	7:30-5 (90 min)	8:15-5 (45 min)	9-5:30 (30 min)	8-5 (1 hr)
2nd Week	Off	7:30-4 (30 min)	9-5:30 (30 min)	9-5:45 (45 min)	8:15-5 (45 min)	7:30-4 (30 min)

(Core Times: 8:30–11:00 and 2–4 daily)

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1st Week	Off	8:30–5 (30 min)	7–4 (1 hr)	7–4 (1 hr)	8:15–5:30 (75 min)	8–5 (1 hr)	Off
Lunch							
2nd Week	Off	7:15–4 (45 min)	8–5:30 (90 min)	8:30–5 (30 min)	8–6 (2 hrs)	7:30–4 (30 min)	Off
Lunch							

Flexible/Compressed Schedules— (Core Times: 9:30–11:30 and 2–3:30 daily)

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1st Week	Off	9:30–6:15 (45 min)	7–6 (1 hr)	7:30–4 (30 min)	7:15–6 (30 min)	Off	Off
Lunch							
2nd Week	Off	7–6 (2 hr)	7:45–5 (30 min)	7:30–6 (30 min)	7–6 (1 hr)	9:30–4 (30 min)	Off
Lunch							

(Core Times: 8:30–11:30 and 2–4 daily)

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1st Week	7–6 (30 min)	8–5 (30 min)	8–5 (1 hr)	8:30–4 (1 hr)	Off	8–5 (30 min)	7:30–6 (30 min)
Lunch							
2nd Week	Off	8–5 (1 hr)	8–4 (1 hr)	8:30–4 (30 min)	8–4 (2 hr)	Off	Off
Lunch							

QUESTIONS AND ANSWERS

1. Q. Can any employee participate in alternative work schedules?

A. Once an activity has established an alternative work schedule plan, any employee within the activity should be able to request to participate. The employee's request should be in writing and submitted to the employee's immediate supervisor. An employee's request may be denied only for reasons which are work related. An employee should be given the reasons for the denial.

2. Q. What is an alternative work schedule plan?

A. An alternative work schedule plan is a written policy adopted by an individual activity which sets the parameters of the types of alternative work schedules which are considered to be appropriate for employees of the activity. Before approving any employee participation in AWS, a written alternative work schedule plan should be adopted by the activity. Guidance concerning the development of these plans may be obtained from the appropriate regional or headquarters personnel office.

3. Q. Who approves alternative work schedule plans?

A. Regional Directors and Service Center Managers are delegated authority to approve all alternative work schedule plans within their respective regions. Such approval must be in accordance with statutes, governmentwide rules and regulations, and NPS policies. The Branch of Labor and Employee Relations, WASO, should be consulted concerning compliance with law, rule, regulation and NPS policies.

4. Q. What is the role of the union in the development of AWS plans?

A. If the employees of an activity are represented by a union, a proposed AWS plan must be submitted to the union in advance and is subject to collective bargaining. If the union represents any portion of the activity's employee population, the union would have the right to negotiate the plan as it would apply to the bargaining unit employees. This could result in two separate AWS plans, one covering the bargaining unit employees and one covering all others. If the activity has no union recognitions, management may develop and implement an AWS plan unilaterally.

ally. Management should seek the advice and assistance of their personnel office prior to proposing an AWS plan.

5. Q. Is employee participation in an AWS program voluntary?

A. In most instances employee participation should be voluntary. Management may, in some situations, require an employee to convert to an alternative schedule for work related reasons. Management retains the right to assign employees to particular shifts and to determine the length of those shifts.

6. Q. Can employees who are part of a work crew participate?

A. Management may allow an entire work crew to adopt an alternative schedule as long as the schedule is compatible with the organization. If a majority of a work crew requests to participate or if management determines that it is in the best interests of efficient operations, the entire crew may be converted to a new schedule. Management must, however, consider individual employee's desires not to participate, particularly if mitigating circumstances are involved.

7. Q. What is the impact of AWS on leave accrual and usage?

A. Employees on alternative schedules continue to earn leave as they have in the past at the same rate per pay period. Leave used will be charged according to the number of hours that the employee was scheduled to work on the day of leave. An employee on a ten-hour schedule will be charged 10 hours of leave for each leave day. An employee on a five-four-nine schedule will in most instances be charged 9 hours of leave for each leave day unless the leave is taken on the one eight-hour day of the pay period. An employee on a flexible schedule will be charged whatever amount of leave is necessary to complete the daily work requirement or the eighty-hour requirement for each pay period.

8. Q. How does an AWS schedule affect official holidays?

A. Employees on alternative schedules observe official holidays in the same manner as other employees, except that employees on ten-hour schedules are off ten hours for the holiday, employees on five-four-nine schedules are off either eight or nine hours (whichever number of hours they are scheduled to work on the holiday), and employees on flexible schedules are off eight

hours. Employees who are not scheduled to work on an official holiday receive another day off in lieu of the holiday.

9. Q. Can a supervisor direct an employee to work on the employee's day off?

A. For those employees on either ten-hour or five-four-nine schedules, scheduled nonworkdays should be treated no differently than traditional nonworkdays (Saturday and Sunday). The supervisor, however, retains the right to assign overtime whenever necessary. If an employee's services are needed on a scheduled nonworkday, the supervisor should direct the employee to work overtime on the nonworkday and compensate the employee with either overtime pay or compensatory time off, subject to the provisions of the FLSA and Title 5, U.S.C. An employee's scheduled nonworkdays for an administrative workweek should not be changed by the supervisor during the administrative workweek for the sole purpose of avoiding overtime in that administrative workweek. If, however, a supervisor knows in advance of an administrative workweek that the specific days and/or hours of the day when the employee's services are needed differ from those scheduled for that workweek, the supervisor should change the employee's schedule to correspond to the days/hours when the employee's services are needed.

Additionally, an employee's days off in a pay period should not be changed at the request of the employee for the sole purpose of avoiding the use of leave. As stated previously, a ten-hour, 5/4/9, or alternative eight-hour schedule, if approved, is intended to be a fixed schedule, meaning that it should not be changed from week to week. Only the schedules of employees on flexible schedules may vary from week to week or day to day.

10. Q. What hours does an employee work when on travel or training?

A. The employee should temporarily assume the schedule of the activity to which the employee is visiting or the hours of the training session. The employee should resume his/her approved alternative schedule upon return to his/her official duty station.

11. Q. For what reasons may an employee's previously approved schedule be cancelled or changed?

A. An employee's approved alternative schedule should be altered or cancelled by his or her supervisor whenever the supervisor determines that the schedule interferes with the ability of the organization to efficiently accomplish its assigned mission. The supervisor may also cancel an employee's alternative schedule when the supervisor determines that the employee is abusing the schedule or is being irresponsible in following the schedule or the AWS plan. It is the supervisor's responsibility to assure that alternative schedules do not produce an adverse impact on the ability of his or her organization to accomplish its assigned mission.

12. Q. What recourse does an employee have if his or her request for an alternative schedule is not approved or if a previously approved schedule is cancelled?

A. An employee who is not a member of a bargaining unit (not represented by a union), may file a grievance under the Department of the Interior's administrative grievance procedure. An employee in a bargaining unit (represented by a union) may file a grievance under the union's negotiated grievance procedure.

13. Q. May an employee work straight through his or her workday without taking a lunch period?

A. No, a lunch period of at least thirty minutes must be scheduled mid-day in the workday. Additionally, an employee may not schedule his or her lunch period at the beginning or end of the day. An employee may be directed to work through his or her lunch and receive overtime compensation for doing so.

14. Q. If an employee is late for work may his or her workday be extended an equal amount of time to compensate for the tardiness?

A. No, a supervisor may, however, excuse infrequent instances of tardiness without charge to leave. If the tardiness becomes more frequent, the employee's schedule may be changed to allow the employee to report to work as scheduled. Nonetheless, the employee is not entitled to changes in the schedule to compensate for tardiness problems. The employee may be charged absence-without-leave for instances of tardiness whenever they occur. Employees on flexible schedules are not considered to be tardy unless they fail to report for work during

the flexible ban at the beginning of the workday, or fail to report at a time specifically ordered by their supervisor.

15. Q. May an employee combine a ten-hour schedule with a five-four-nine schedule and work a mixture of ten and nine hour days with an additional short workday as long as it totals 80 hours in a pay period?

A. This type of schedule is only possible under a flexible/compressed plan. The ten-hour and five-four-nine plans establish fixed schedules requiring the employee to work the same number of hours each workday.

16. Q. May an employee's requested schedule be disapproved simply because the supervisor believes that the employee will probably abuse the schedule?

A. Normally, no. An employee should be given the opportunity to demonstrate that he/she is responsible enough to follow the AWS "rules." However, if the employee then demonstrates irresponsibility, the supervisor should take immediate action to correct the abuse or cancel the employee's schedule altogether.

17. Q. Many employees refer to their days off as lieu days. Is this use of the term correct and does the adoption of alternative schedules change the meaning of "lieu days"?

A. Using the term "lieu days" to describe an employee's scheduled days off has always been a misnomer. The Federal Personnel Manual consistently uses the term "in lieu of" in the context of "in lieu of a holiday" and simply refers to scheduled days off as nonworkdays. In an organization which operates seven days a week, including holidays, it is particularly important to use the correct terms to differentiate between scheduled days off and days granted to employees "in lieu of a holiday" which falls on an employee's nonworkday. This may appear to be an insignificant distinction; nonetheless, it is important because there are specific statutory entitlements associated with days off "in lieu of holidays" which are not applicable to scheduled nonworkdays. In order to be consistent with the Federal Personnel Manual and statute, the term "nonworkday" is correctly used to indicate a scheduled day off and the term "lieu day" is correctly used only to refer to a day off "in lieu of a holiday."

